

1 ROBERT MACKAY (192423)
Robert.MacKay@nlrb.gov
2 BRYAN LOPEZ (306158)
Bryan.Lopez@nlrb.gov
3 STEPHANIE CAHN (189277)
Stephanie.Cahn@nlrb.gov
4 NEIL WARHEIT (133218)
Neil.Warheit@nlrb.gov
5 WILLIAM M. PATE (45734)
William.Pate@nlrb.gov
6 National Labor Relations Board
Region 21
888 South Figueroa Street, Ninth Floor
7 Los Angeles, CA 90017-5449
Telephone: (619) 821-3329
8 Facsimile: (213) 894-2778
Attorneys for Petitioner
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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 WILLIAM B. COWEN, Regional
14 Director of Region 21 of the National
Labor Relations Board, for and on
15 behalf of the NATIONAL LABOR
RELATIONS BOARD,

16
17 Petitioner,

18 v.

19 JACMAR FOODSERVICE
20 DISTRIBUTION,

21 Respondent.
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Civil No. 17-cv-03929

(PROPOSED) ORDER GRANTING
TEMPORARY INJUNCTION UNDER
SECTION 10(j) OF THE NATIONAL
LABOR RELATIONS ACT
(29 U.S.C SEC 160(j))

Judge: Honorable Dolly M. Gee

Courtroom: 8C, 8th Floor, First Street
Courthouse

1 This case came to be heard on the petition of William B. Cowen,
2
3 Regional Director of Region 21 of the National Labor Relations Board (herein
4 called the Board), for a temporary injunction pursuant to Section 10(j) of the
5 National Labor Relations Act, as amended (29 U.S.C. Sec. 160(j)); herein
6 called the Act), pending final disposition on the matters involved pending
7 before the Board. The Court, upon consideration of the pleadings, evidence,
8 briefs, arguments of counsel, and the entire record in this case, has made its
9 findings and conclusions, finding and concluding that Petitioner is likely to
10 successfully establish in administrative proceedings that Respondent has
11 engaged in, and is engaging in, acts and conduct in violation of Section
12 8(a)(1) and (3) of the Act (29 U.S.C. Sec. 158(a)(1) and (3)), affecting
13 commerce within the meaning of Section 2(6) and (7) of the Act (29 U.S.C.
14 Sec. 152(6) and (7)), and that such acts and conduct will likely be repeated or
15 continued unless enjoined.
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18 Now, therefore, upon the entire record, it is ORDERED, ADJUDGED
19 AND DECREED, that, pending final disposition of the matters involved
20 pending before the Board:
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23 1. Respondent Jacmar Foodservice Distribution, its officers, agents,
24 successors, and assigns, and all persons acting in concert or participation with
25 it, are enjoined from:
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1 (a) Interfering with, restraining, or coercing employees in the
2 exercise of rights guaranteed by Section 7 of the National Labor Relations Act;

3 (b) Threatening employees because of their Union activities;

4 (c) Impliedly threatening employees with unspecified reprisals if
5 they continue to support the Union;
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7 (d) Instructing employees not to discuss their disciplinary
8 investigations with other employees and threatening them with discipline and
9 termination if they do so;
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11 (e) Harassing employees because of their Union activities;

12 (f) Soliciting grievances from employees;

13 (g) Promising employees benefits so that they will not support the
14 Union;
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16 (h) Granting unscheduled wage increases and other benefits to
17 employees so that they will not support the Union;
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19 (i) Changing its disciplinary policy in retaliation for employees'
20 support for the Union;
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22 (j) Disciplining employees because of Union activity and support;

23 (k) Terminating employees because of Union activity and support;
24 and,
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26 (l) In any other manner interfering with employees' rights under
27 Section 7 of the Act. (29 U.S.C. Sec. 157).
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1 2. Respondent, its officers, agents, successors, assigns, and all persons
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3 acting in concert or participation with it are affirmatively ordered pending final
4 Board adjudication to:

5 (a) Within 5 days of the issuance of the Order, offer Esteban Ochoa
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7 and Juan Galarza immediate and full reinstatement to their former jobs, or if those
8 jobs no longer exist, to substantially equivalent positions, without prejudice to their
9 seniority or any other rights and/or privileges previously enjoyed, displacing if
10 necessary any workers hired, transferred, or reassigned to those positions;

11 (b) Within 14 days of the issuance of the Order, remove from
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13 Respondent's files all references to the discharge and/or discipline of Esteban
14 Ochoa, Juan Galarza, and Carlos Garcia;

15 (c) Within 14 days of the issuance of the Order, rescind
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17 Respondent's change in disciplinary policy by issuing first and final written
18 warnings, with attached probationary period, in circumstances it had historically
19 not, and to restore the previously existing disciplinary system;

20 (d) Within 14 days of the issuance of the Order, post copies of the
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22 Order, in English and in Spanish, in conspicuous places in and throughout its
23 facility at 300 Baldwin Park Boulevard, City of Industry, California, including all
24 places where notices to employees are customarily posted, and maintain them
25 during the pendency of the Board's administrative proceedings free from all
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obstruction and defacements; all employees shall have free and unrestricted access
1 to the Order. Translation of the Order into Spanish shall be at Respondent's
2 expense and the translation will be approved in advance by the Regional Director;

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4 (e) Within 14 days of the issuance of the Order, convene all
5 employees at mandatory meeting or meetings during paid work time at a time or
6 times scheduled to ensure maximum attendance at its City of Industry location and
7 have a responsible management official of Respondent read the District Court's
8 Order to employees in English, and in Spanish, in the presence of a Board agent
9 and a representative of the Union, or a Board agent will read the Order to
10 employees in English and Spanish in the presence of Respondent and the Union;
11 and
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15 (f) Grant to agents of the Board reasonable access to Respondent's
16 City of Industry, California facility in order to monitor compliance with the posting
17 requirement; and
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19 (g) Within 21 days of the issuance of this Order, file with the Court,
20 with a copy to the Regional Director of Region 21, a sworn affidavit from a
21 responsible official of Respondent setting forth with specificity the manner in
22 which Respondent has complied with the terms of this Order, including how and
23 when it posted the documents required by the Order.
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26 3. This case shall remain open on the docket of this Court. On compliance
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1 by Respondent with its obligations undertaken hereto, and upon final disposition of
2 the matters pending before the Board, the Petitioner shall cause this proceeding to
3 be dismissed.

4 IT IS SO ORDERED, this _____ day of _____, 2017.
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7 _____
8 The Honorable Dolly M. Gee
9 United States District Judge
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12 Presented by:

13 /s/ Robert MacKay

14 Robert MacKay
15 Attorney for Petitioner
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